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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Substitute for Amendment (234686) (with title amendment)

Delete lines 75 - 213

and insert:

suspending the license of a massage therapist or massage establishment as defined in chapter 480 upon receipt of information that such therapist or person with an ownership interest in the massage establishment, or for a corporation that has more than \$250,000 of business assets in this state, the



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11 owner, officer, or individual directly involved in the
12 management of the massage establishment has been convicted or
13 found guilty of, or has entered a plea of guilty or nolo
14 contendere to, regardless of adjudication, a felony offense
15 under any of the following provisions of state law or a similar
16 provision in another jurisdiction:

17 (a) Section 787.01, relating to kidnapping.

18 (b) Section 787.02, relating to false imprisonment.

19 (c) Section 787.025, relating to luring or enticing a
20 child.

21 (d) Section 787.06, relating to human trafficking.

22 (e) Section 787.07, relating to human smuggling.

23 (f) Section 794.011, relating to sexual battery.

24 (g) Section 794.08, relating to female genital mutilation.

25 (h) Section 796.03, relating to procuring a person under
26 the age of 18 for prostitution.

27 (i) Section 796.035, relating to the selling or buying of
28 minors into prostitution.

29 (j) Section 796.04, relating to forcing, compelling, or
30 coercing another to become a prostitute.

31 (k) Section 796.05, relating to deriving support from the
32 proceeds of a prostitute.

33 (l) Section 796.07(4)(c), relating to a felony of the third
34 degree for a third or subsequent violation as provided in s.
35 775.082, s. 775.083, or s. 775.084.

36 (m) Section 800.04, relating to lewd or lascivious offenses
37 committed upon or in the presence of persons less than 16 years
38 of age.

39 (n) Section 825.1025(2)(b), relating to lewd or lascivious



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40 offenses committed upon or in the presence of an elderly or
41 disabled person.

42 (o) Section 827.071, relating to sexual performance by a
43 child.

44 (p) Section 847.0133, relating to the protection of minors.

45 (q) Section 847.0135, relating to computer pornography.

46 (r) Section 847.0138, relating to the transmission of
47 material harmful to minors to a minor by electronic device or
48 equipment.

49 (s) Section 847.0145, relating to the selling or buying of
50 minors.

51 Section 3. Present subsections (3) and (4) of section
52 480.041, Florida Statutes, are redesignated as subsections (4)
53 and (5), respectively, and a new subsection (3) and subsections
54 (6) and (7) are added to that section, to read:

55 480.041 Massage therapists; qualifications; licensure;
56 endorsement.—

57 (3) An applicant must submit to background screening under
58 s. 456.0135.

59 (6) Massage therapists who were issued a license before
60 July 1, 2014, must submit to the background screening
61 requirements of s. 456.0135 by January 31, 2015.

62 (7) The board shall deny an application for a new or
63 renewal license if an applicant has been convicted or found
64 guilty of, or enters a plea of guilty or nolo contendere to,
65 regardless of adjudication, a felony offense under any of the
66 following provisions of state law or a similar provision in
67 another jurisdiction:

68 (a) Section 787.01, relating to kidnapping.



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- 69 (b) Section 787.02, relating to false imprisonment.
- 70 (c) Section 787.025, relating to luring or enticing a
- 71 child.
- 72 (d) Section 787.06, relating to human trafficking.
- 73 (e) Section 787.07, relating to human smuggling.
- 74 (f) Section 794.011, relating to sexual battery.
- 75 (g) Section 794.08, relating to female genital mutilation.
- 76 (h) Section 796.03, relating to procuring a person under
- 77 the age of 18 for prostitution.
- 78 (i) Section 796.035, relating to the selling or buying of
- 79 minors into prostitution.
- 80 (j) Section 796.04, relating to forcing, compelling, or
- 81 coercing another to become a prostitute.
- 82 (k) Section 796.05, relating to deriving support from the
- 83 proceeds of a prostitute.
- 84 (l) Section 796.07(4)(c), relating to a felony of the third
- 85 degree for a third or subsequent violation as provided in s.
- 86 775.082, s. 775.083, or s. 775.084.
- 87 (m) Section 800.04, relating to lewd or lascivious offenses
- 88 committed upon or in the presence of persons less than 16 years
- 89 of age.
- 90 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 91 offenses committed upon or in the presence of an elderly or
- 92 disabled person.
- 93 (o) Section 827.071, relating to sexual performance by a
- 94 child.
- 95 (p) Section 847.0133, relating to the protection of minors.
- 96 (q) Section 847.0135, relating to computer pornography.
- 97 (r) Section 847.0138, relating to the transmission of



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98 material harmful to minors to a minor by electronic device or
99 equipment.

100 (s) Section 847.0145, relating to the selling or buying of
101 minors.

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103 Section 4. Present subsections (2) through (6) of section
104 480.043, Florida Statutes, are redesignated as subsections (3)
105 through (7), respectively, present subsections (7) through (9)
106 of that section are redesignated as subsections (9) through
107 (11), respectively, and new subsections (2), (8), (12), and (13)
108 are added to that section, to read:

109 480.043 Massage establishments; requisites; licensure;
110 inspection.-

111 (2) A person who has an ownership interest in a massage
112 establishment shall submit to the background screening
113 requirements under s. 456.0135. However, if a corporation
114 submits proof, as determined by department rule, of having more
115 than \$250,000 of business assets in this state, the department
116 shall require the owner, officer, or individual directly
117 involved in the management of the massage establishment to
118 submit to the background screening requirements of s. 456.0135.

119 (8) The department shall deny an application for a new or
120 renewal license if a person with an ownership interest in the
121 massage establishment, or for a corporation that has more than
122 \$250,000 of business assets in this state, the owner, officer,
123 or individual directly involved in the management of the massage
124 establishment has been convicted or found guilty of, or entered
125 a plea of guilty or nolo contendere to, regardless of
126 adjudication, a felony offense under any of the following



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127 provisions of state law or a similar provision in another
128 jurisdiction:
129 (a) Section 787.01, relating to kidnapping.
130 (b) Section 787.02, relating to false imprisonment.
131 (c) Section 787.025, relating to luring or enticing a
132 child.
133 (d) Section 787.06, relating to human trafficking.
134 (e) Section 787.07, relating to human smuggling.
135 (f) Section 794.011, relating to sexual battery.
136 (g) Section 794.08, relating to female genital mutilation.
137 (h) Section 796.03, relating to procuring a person under
138 the age of 18 for prostitution.
139 (i) Section 796.035, relating to selling or buying of
140 minors into prostitution.
141 (j) Section 796.04, relating to forcing, compelling, or
142 coercing another to become a prostitute.
143 (k) Section 796.05, relating to deriving support from the
144 proceeds of a prostitute.
145 (l) Section 796.07(4)(c), relating to a felony of the third
146 degree for a third or subsequent violation as provided in s.
147 775.082, s. 775.083, or s. 775.084.
148 (m) Section 800.04, relating to lewd or lascivious offenses
149 committed upon or in the presence of persons less than 16 years
150 of age.
151 (n) Section 825.1025(2)(b), relating to lewd or lascivious
152 offenses committed upon or in the presence of an elderly or
153 disabled person.
154 (o) Section 827.071, relating to sexual performance by a
155 child.



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156 (p) Section 847.0133, relating to the protection of minors.

157 (q) Section 847.0135, relating to computer pornography.

158 (r) Section 847.0138, relating to the transmission of

159 material harmful to minors to a minor by electronic device or
160 equipment.

161 (s) Section 847.0145, relating to the selling or buying of
162 minors.

163 (12) A person with an ownership interest, or for a
164 corporation that has more than \$250,000 of business assets in
165 this state, the owner, officer, or individual directly involved
166 in the management of, a massage establishment that was issued a
167 license before July 1, 2014, shall submit to the background
168 screening requirements of s. 456.0135 before January 31, 2015.

169 (13) An entity wholly owned by one or more physicians
170 licensed under chapter 458, chapter 459, or chapter 460 or by
171 such physicians and the spouse, parent, child, or sibling of
172 such physicians is exempt from the requirements of this section.

173 As used in this subsection, the term "entity wholly owned" means
174 a proprietorship, group practice, partnership, or corporation
175 that provides health care services rendered by licensed
176 physicians and health care practitioners in which the licensed
177 physicians or such physicians and the spouse, parent, child, or
178 sibling of such physicians are the business owners in all
179 aspects of the business entity, including, but not limited to,
180 being reflected as the business owners on the title or lease of
181 the physical facility, filing taxes as the business owners,
182 being account holders on the entity's bank account, being listed
183 as the principals on all incorporation documents required by
184 this state, and having ultimate authority over all personnel and



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185 compensation decisions relating to the entity.

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187 ===== T I T L E A M E N D M E N T =====

188 And the title is amended as follows:

189 Delete lines 2 - 28

190 and insert:

191 An act relating to massage therapy; amending s.
192 456.0135, F.S.; requiring an applicant for licensure
193 under ch. 480, F.S., to submit to certain
194 fingerprinting requirements; requiring fingerprints to
195 be enrolled in the national retained print arrest
196 notification program and the Care Provider Background
197 Screening Clearinghouse; amending s. 456.074, F.S.;
198 requiring the Department of Health to issue an
199 emergency order suspending the license of a massage
200 therapist or massage establishment for the commission
201 of certain offenses; amending s. 480.041, F.S.;
202 requiring an applicant for a massage therapist license
203 to submit to certain background screening
204 requirements; requiring that a massage therapist who
205 was issued a license before a specified date meet the
206 background screening requirements by a specified date;
207 requiring the Board of Massage Therapy to deny an
208 application for a massage therapy license or renewal
209 license for certain offenses; amending s. 480.043,
210 F.S.; requiring a person with a specified interest in
211 a massage establishment to submit to certain
212 background screening requirements; authorizing the
213 department to adopt a rule related to corporate



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214 assets; requiring the department to deny an
215 application for a massage establishment license or
216 renewal license under certain circumstances; requiring
217 that the owner of a massage establishment that was
218 issued a license before a specified date submit to the
219 background screening requirements by a specified date;
220 exempting certain entities from massage establishment
221 licensure requirements; amending s. 480.0465, F.S.;
222 conforming